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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 JONATHAN MORGAN,

11 Plaintiff,

CV F 05 0620 LJO WMW PC

12
13 vs.

ORDER RE: FINDINGS &
RECOMMENDATIONS (#24)

14 DEPT. OF CORRECTIONS,

15 Defendant.
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19 Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter
20 was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 Rule 72-302.

22 On September 27, 2007, [findings and recommendations](#) were entered,
23 recommending that Defendant's March 9, 2007, motion to dismiss be denied. Subsequently,
24 Plaintiff was granted leave to file an amended complaint. Defendant filed a motion to dismiss
25 the amended complaint. The March 9, 2007, motion to dismiss is moot.

26 Accordingly, THE COURT HEREBY ORDERS that:

1 1. The Findings and Recommendations issued by the Magistrate Judge on
2 September 24, 2007, are vacated; and

3 2. Defendant's March 9, 2007, motion to dismiss is denied as moot.
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8 IT IS SO ORDERED.

9 Dated: March 31, 2008

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE